

Frederick William III, the Quakers, and the Problem of Conscientious Objectors in Prussia

LAWRENCE J. BAACK

It has often been said that in Prussia the army made the state. Indeed from the seventeenth century to the twentieth century the military played a decisive role in shaping the institutions of the country and in making it a European power of major proportions.¹ Precisely because Prussia became a militaristic state, the problem of resistance to military service is one of special interest. A volume of documents in the archives of the Prussian Ministry of Foreign Affairs, now located in the German Democratic Republic, sheds considerable light on the policy of the government toward one group of conscientious objectors—a small Quaker community situated in Minden, Westphalia, during the early nineteenth century.²

Since the beginning of the 1700s, the Prussian government had been confronted with the issue of pacifism. Although there is very little evidence concerning the position of the crown relative to the few Quaker communities that existed briefly early in that century, certain precedents were set as a result of its policies toward another religious group, the Mennonites.³ When a few

LAWRENCE JAMES BAACK (B.A., University of California at Berkeley; M.A., Ph.D., Stanford University) is Assistant Professor of History, University of Nebraska-Lincoln, Lincoln, Nebraska. He is the author of *Agrarian Reform in Eighteenth-Century Denmark* (1977), the editor of *The Worlds of Brutus Hamilton* (1975), and a contributor to *Reviews in European History*. His scholarly interests include nineteenth-century Germany, eighteenth- and nineteenth-century Denmark, and European diplomacy.

1. The growth of Prussia is described in Otto Hintze, *Die Hohenzollern und ihr Werk: Fünfhundert Jahre vaterländischer Geschichte*, 3d ed. (Berlin: P. Parey, 1915); and Sidney B. Fay, *The Rise of Brandenburg-Prussia to 1786*, rev. Klaus Epstein (New York: Holt, Rinehart and Winston, 1964). The interrelationship of the military with the political and social structure of Prussia is discussed in Gordon A. Craig, *The Politics of the Prussian Army, 1640-1945* (London: Oxford University Press, 1955); and Otto Büsch, *Militärsystem und Sozialleben im alten Preussen, 1713-1807* (Berlin: Walter de Gruyter & Co., 1962). An excellent brief comparative study, recently republished and translated, is Otto Hintze, "Military Organization and the Organization of the State," in *The Historical Essays of Otto Hintze*, ed. Felix Gilbert (New York: Oxford University Press, 1975), pp. 180-215.

2. See "Acte Betr. die für die Quäker in den diesseitigen Staaten nachgesuchte Befreiung von der Militär-pflicht. Militär Generalia—März 1826," *Auswärtiges Amt*, Sektion 3, rep. 13, nr. 222, Zentrale Staatsarchiv, Merseburg, German Democratic Republic; hereafter ZSA Me, AA 3, rep. 13, nr. 222.

3. The relationship of the Mennonites to the Prussian government is covered in Peter Brock, *Pacifism in Europe to 1914* (Princeton, N.J.: Princeton University Press, 1972), pp. 229-34.

members of this church settled in Prussia around 1711, they initially were granted an exemption from all military service by the king, Frederick I. However, this policy changed when Frederick William I ascended the throne in 1713. A harsh and exacting ruler, he paid careful attention to the military, and as a result its size and influence increased greatly.⁴ During his reign Mennonites were forced to serve in the army and after a number of incidents the sizeable Mennonite community near Tilsit had to move elsewhere. Frederick William stated at the time, "I will not have rogues who won't be soldiers."⁵

Frederick the Great, who became king in 1740, may have been more warlike than his father, but he was certainly also more tolerant.⁶ While he was the ruler of Prussia, Mennonites were once again exempted from military service in return for paying a periodic sum of money to the crown, and usually they were permitted to buy additional landed property. This policy was continued for the most part by Frederick William II, but during his years on the throne (1786-1797) the government began to restrict the purchase of land by Mennonites. It feared that an increase in the size of pacifist communities would reduce the potential military strength of the state. Consequently, a number of Mennonites left Prussia at the close of the century not primarily because of persecution but because of land hunger. Thus, despite the importance of the army to the Prussian state, the monarchy after 1740 was generally tolerant toward this pacifist group, and this policy affected its attitude toward a new group of conscientious objectors, the Quakers.

In the 1790s a number of English and American Friends visited numerous German towns and held religious meetings. These activities led to the organization of two small societies, one of which was located in Minden. The Friends there immediately got into difficulty with the Prussian authorities, who were concerned over the possible increase in the size of the Quaker community. The king of Prussia, at that time Frederick William III (1797-1840), supported the principle of religious toleration so long as religious beliefs did not restrict the ability of a Prussian citizen to fulfill

4. For Frederick William's personality and reign, see Carl Hinrichs, *Friedrich Wilhelm I König in Preussen: eine Biographie* (Hamburg: Hanseatische Verlagsanstalt, 1941); and Robert R. Ergang, *The Potsdam Führer: Frederick William I, Father of Prussian Militarism* (New York: Columbia University Press, 1941).

5. Brock, *Pacifism in Europe to 1914*, p. 231.

6. On Frederick, see Gerhard Ritter, *Frederick the Great: A Historical Profile*, trans. Peter Paret (Berkeley, Los Angeles: University of California Press, 1968); for his ideas on toleration, see especially pp. 166-68.

his civic duties.⁷ The new Prussian Law Code, the *Allgemeine Landrecht*, enacted in 1794, also recognized freedom of religion as a right with the same qualification.⁸ However, because of the Quakers' opposition to military service, the government had serious reservations concerning the activities of the community in Minden. A government note of 2 June 1799 stated:

His royal Majesty the King of Prussia holds sacred the liberty of conscience in matters of faith of all his subjects. But civil institutions, and especially the fulfillment of those civil duties without which were the dispensation general, the State itself could not exist, have nothing in common with this. No religious sect like that of the Quakers, whose confession of faith excludes its followers from the most important civil duties in an independent State, can therefore lay claim to the right of the public exercise of their religion. Even to tolerate them is a favor which must not be extended too far, lest the state should suffer by it⁹

It was not until 1800 that the status of Quakers within the Prussian state was legally defined. On 23 February 1800 a decree issued by Frederick William III granted them freedom of worship and allowed them to marry according to their own teachings and to instruct their own children. However, because they refused to serve in the military, they were obliged to pay a periodic fine to the state, were forbidden from marrying outside their sect, and could not acquire landed property. This arrangement was restricted to the members and descendants of the six Quaker families living in Minden at that time. They were warned

7. When Frederick William was still the crown prince, his tutors were at first supervised by his great-uncle, Frederick the Great, not by his father, Frederick William II. His early education therefore stressed the rational and utilitarian aspects of religion. Later Carl Gottlieb Svarez, author of the *Allgemeine Landrecht*, emphasized in lectures to the crown prince the importance of religious toleration. He once said, "According to the principles of the law, the state must tolerate any religious group, whose moral teachings are not in conflict with public tranquility and order, and permit the free conduct of their religious services; it depends upon the state, however, to determine whether such a religious group can worship only privately—or also in public." Carl Gottlieb Svarez, *Vorträge über Recht und Staat*, ed. Hermann Conrad and Gerd Kleinheyer (Cologne: Westdeutscher Verlag, 1960), p. 351. The king was also influenced by the court chaplain, Friedrich Samuel Gottfried Sack, a friend and adviser until 1817 and one who brought a tolerant and enlightened approach to questions of theology. For Frederick William's religious education, see Walter Wendland, *Die Religiosität und die kirchenpolitischen Grundsätze Friedrich Wilhelms des Dritten* (Giessen: Verlag von Alfred Töpelmann, 1909), pp. 1-29.

8. One of the few general rights recognized in the code was that of religion. It stated: "Every inhabitant of the state must be granted complete freedom of religion and conscience." See Hajo Holborn, *A History of Modern Germany, 1648-1840* (New York: Alfred A. Knopf, 1966), p. 274.

9. Quoted by Margaret E. Hirst, *The Quakers in Peace and War* (London: Swarthmore Press, 1923), pp. 471-72.

that "they shall on the first admission of a new member be deprived of the toleration now granted them."¹⁰

This relationship appears to have been satisfactory for a number of years, and although the community grew slightly in number, the government did not deny its members their rights. Indeed, even during the campaigns against Napoleon from 1813 to 1815, a cabinet order issued in December 1813 exempted Quakers, Mennonites, and Anabaptists from military service on the condition that they pay the traditional fine. It was not until 1818 that the question of military service became a major problem.

In that year Christian Peitsmeyer, one of three brothers associated with the Minden Friends, was summoned for induction. When he informed the authorities that he could not serve as a soldier because of a "conscientious scruple against all war," he was "stripped and beaten with swords and sticks," then kicked, and finally tied to a stake where he was once again "cruelly treated."¹¹ The Quakers in Minden protested the treatment of Peitsmeyer to the local authorities on the basis of the cabinet order of 1813. The government, however, said that the earlier exemption applied only to the war then being fought and asserted that "separatists" were now liable for military service. In 1822 Christian's brother, Ernst Peitsmeyer, was also summoned for military service. He refused induction and was imprisoned for six weeks. At a later hearing in the office of the *Landrat*, or district magistrate, Peitsmeyer was offered alternative service as a craftsman or a drummer. This he declined "since passive as well as active participation in military service, and in all affairs which were even distantly connected with it, stood in direct conflict with his religious principles."¹² As a result proceedings of confiscation were instituted against him. The First Court of Magistrates acquitted Peitsmeyer, ruling that the law applied only to those who fled Prussia on refusing to bear arms, not to one who refused on the basis of Christian principles. The military command, however, appealed the decision to a higher court, and this court condemned Peitsmeyer to the confiscation of all his

10. Wilhelm Hubben, *Die Quäker in der deutschen Vergangenheit* (Leipzig: Quäker-Verlag, 1929), pp. 141-42.

11. "Memorial from a Meeting representing the religious Society of Friends, commonly called Quakers, in Great Britain, respectfully addressed to the King of Prussia, concerning the cases of some individuals professing their religious principles, and living in the neighborhood of Minden," 15 January 1826, ZSA Me, AA 3, rep. 13, nr. 222.

12. Hubben, *Die Quäker in der deutschen Vergangenheit*, p. 145.

property, the loss of the right of inheritance, and disqualification from conducting any business. In 1825 Heinrich Schmidt, also associated with the Quakers of Minden, refused a summons and was immediately taken into custody. He was forcibly dressed in an army uniform, a rifle was tied to his back, and he was taken to the parade grounds where he still refused to follow orders. He was then sent to prison, was kept "upon the laths" for three days, and was finally released after four weeks.¹³

These cases came to the attention of a number of English Quakers. Two of them, Thomas Shillitoe and Thomas Christy, who happened to be traveling in Germany, obtained a personal audience with Frederick William. They explained the plight of Ernst Peitsmeyer and reminded the king of his earlier commitment to freedom of religious conscience. The king reportedly replied, "[I]t is so, and the young man shall not suffer."¹⁴ In addition, the difficulties of the Minden community were discussed in London at a meeting of Quakers in January 1826. At this gathering a memorial to Frederick William was signed by thirty-one members. It described in considerable detail the experiences of the two Peitsmeyers and of Schmidt. The petitioners assured the king that "these young men are industrious and peaceable subjects, and are endeavoring to live a Christian life among their neighbors: the first two of them are now members of our religious Society, although, when first summoned, not actually admitted into membership: the other is not yet a member but professes our principles." The petition went on to state that the Society of Friends both in England and in Minden was extremely scrupulous in admitting to membership only those who sincerely adhered to their principles. The petition closed with the following passage:

Having thus briefly described the cases on behalf of which we now appeal to the clemency of the King, we venture earnestly to solicit that he will be pleased to make such regulations as in his wisdom may seem expedient, in order that relief may be extended to those of his faithful subjects, who sincerely believing, all war to be inconsistent with the peaceable principles of the Gospel of Christ, cannot from tender conscience towards God, obey military requisitions. In conclusion we take the liberty to express our

13. "Memorial from a Meeting . . .," ZSA Me, AA 3, rep. 13, nr. 222. An English Quaker described the punishment of the laths as a "horrid torture indeed. Their clothes are taken off and a very thin covering given them instead. They are then shut up in a kind of closet, where they have nothing to stand or rest upon in any way, but the edges of laths shod with iron, about the thickness of the back of a knife, and placed about two inches asunder." Brock, *Pacifism in Europe to 1914*, p. 364.

14. Thomas Shillitoe, *Journal of the Life, Labours, and Travels of Thomas Shillitoe, in the Service of the Gospel of Jesus Christ*, 2 vols. (London: Harvey, 1839), 2:40.

conviction that a sincere Christian cannot but be a good subject, for the same authority which commands him to fear his God enjoins upon him also to honour his King: and permits us to add the sentiment, that in proportion as real liberty of conscience is suffered, on Christian principles, to prevail in a Country, so will its government be strong—strong, not only in the wisdom of its policy, but strong also in the affections of its people, and it is our sincere and respectful desire that the blessing of Almighty God may rest upon the King and his government.¹⁵

A number of Friends presented the document to the Prussian ambassador in London, Freiherr von Maltzahn. As Maltzahn reported to the Ministry of Foreign Affairs in Berlin, "Several prestigious members of the local Quaker community, with the strong recommendation of the Banking House of N. M. Rothschild, asked me to deliver to his royal Majesty the enclosed petition, in the English original and in German translation."¹⁶ Maltzahn's note was received by the Prussian foreign office, with the two enclosures, on 21 March 1826. The petition was then forwarded by the minister of foreign affairs, Count Christian von Bernstorff, to Frederick William.¹⁷

On 18 April 1826 a cabinet order directed the ministers of the interior and of war to investigate the case. It was not until the middle of October 1826 that they submitted their report to the king. It confirmed the details of the three incidents as described in the petition and indicated that local authorities disagreed as to how Quakers resisting induction should be legally treated. Finally, it noted that the size of the Quaker community in Minden had increased by only eight since 1819. The two ministers made no recommendation.¹⁸ Frederick William studied the report and on 14 November 1826 authorized Bernstorff to inform the Quakers in London that as king,

I censure the proceedings of the military authorities as against the law and contrary to my intentions I must also for that reason refuse to decree the limitation of Ernst Peitsmeier's civil rights as determined in the decision against him by the highest court

15. "Memorial from a Meeting . . .," ZSA Me, AA 3, rep. 13, nr. 222.

16. Maltzahn to Ministerium der auswärtigen Angelegenheiten, 8 March 1826, ZSA Me, AA 3, rep. 13, nr. 222.

17. Bernstorff to Frederick William III, 31 March 1826, ZSA Me, AA 3, rep. 13, nr. 222.

18. Schuckmann and Hake to Frederick William III, 15 October 1826, ZSA Me, AA 3, rep. 13, nr. 222.

He added that he had ordered a close examination of the Quakers' legal relationship to the state.¹⁹ Bernstorff informer Maltzahn of the king's decision on 23 November 1826.²⁰

When actually carried out, the king's decision did not restore all of Peitsmeyer's civil rights. The process of confiscation was set aside, and his rights of inheritance were reinstated, but the rights to obtain a license to conduct a trade, to wear the national cocade, and, of course, to hold public office were denied him. In 1830 a royal decree stipulated that for refusing military service, the Quakers in Westphalia would have to pay a 3 percent surcharge on their trade tax. In addition, they were again forbidden from acquiring landed property and from holding public office; their remaining civil rights were unaffected. This arrangement was not, however, entirely satisfactory. Difficulties with the government, although of a less serious nature, continued intermittently throughout the nineteenth century.²¹

For the most part Frederick William's decision in 1826 in favor of Ernst Peitsmeyer and the decree of 16 May 1830 continued the policies which the Prussian government had followed since the time of Frederick the Great. It is impossible to tell on the basis of available evidence whether the association of the house of Rothschild with the English memorial had any influence on the king's decision. It is true that in 1818 the Prussian government, in a condition of near bankruptcy, negotiated a major loan with Nathaniel M. Rothschild and that in the course of the 1820s Rothschild became the chief creditor of the state.²² It is probably unlikely that the monarchy would be insensitive to a matter of at least some concern to this important financial institution, but there is no evidence that consideration for the Rothschilds was a factor in the actions of the king. It was, however,

19. Frederick William to Bernstorff, 14 November 1826, ZSA Me, AA 3, rep. 13, nr. 222.

20. Ministerium der auswärtigen Angelegenheiten to königliche Gesandtschaft in London, 23 November 1826, ZSA Me, AA 3, rep. 13, nr. 222.

21. Hubben, *Die Quäker in der deutschen Vergangenheit*, pp. 146-55; Hirst, *The Quakers in Peace and War*, pp. 474-75. The brief account of the Peitsmeyer case in these two works is inaccurate. Hirst writes that three Englishmen personally approached Frederick William with the "Memorial" and that he immediately rendered an essentially negative decision. Hubben, on the other hand, is unaware of the role of the "Memorial" and states that the king's "partially favorable" decision was "completely unsought."

22. The condition of Prussia's finances is discussed in Ernst Klein, *Von der Reform zur Restauration* (Berlin: Walter de Gruyter, 1965), pp. 1-99. For the government's relations with the Rothschilds, see W. O. Henderson, "Christian von Rother als Beamter, Finanzmann und Unternehmer in Dienste des preussischen Staates 1810-1848," *Zeitschrift für die Gesamte Staatswissenschaft* 112 (1956): 523-50; and Bernhard Brockhage, *Zur Entwicklung des preussisch-deutschen Kapitaleports* (Leipzig: Duncker & Humblot, 1910), pp. 105-28.

sound tactics on the part of the London Quakers to come to Maltzahn with the Rothschilds' "strong recommendation."

Nevertheless, the king's decision did reflect certain characteristics of the Prussian monarchy. It showed that despite Frederick William's increasing tendency toward Lutheran orthodoxy and greater conservatism, as demonstrated in his attitude toward the union of the Lutheran and Reformed churches in Prussia, his belief in religious toleration still exerted considerable influence upon his approach to questions involving religion and state policy.²³ In attempting to ensure freedom of conscience within the country, he used his power to moderate the impact of military and bureaucratic institutions upon the people of Prussia. The king's power was formally based on the so-called right to make *Machtsprüche*, that is, on the prerogative of the crown to overthrow or revise any legal decision handed down by the state's judicial courts. The *Machtsprüche* was an example of the continued survival in legal affairs of unrestricted royal power alongside codified legal procedure. However, in this case, Frederick William felt that by using this right he was both enforcing the law and exercising his power as king and as a moral authority. Indeed the phrasing of the king's decision reflected this dual role. He said that the actions of the military authorities were "against the law and contrary to my intentions." This wording symbolizes the coexistence in early nineteenth-century Prussia of the *Rechtsstaat*, or state based on the rule of law and embodied in the *Allgemeine Landrecht* and a professional judiciary, and the *Obrigkeitsstaat*, or state based on royal authority and embodied in the king. His decision, however, was consistent with the spirit of the *Allgemeine Landrecht*, a central theme of which is the delineation of the rights and duties of the citizens of the state along functional lines.²⁴ Because the code endorsed religious freedom

23. For an analysis of government policy toward the state church during the first decades of the nineteenth century, see the excellent discussion by Franz Schnabel, *Deutsche Geschichte im neunzehnten Jahrhundert*, 4 vols. (Freiburg: Herder, 1947-51), 2:320-54. Also see Wendland, *Die Religiosität und die kirchenpolitischen Grundsätze Friedrich Wilhelms des Dritten*, pp. 80-143; and the recent article by Gwendolyn Evans Jensen, "Official Reform in Vormärz Prussia: The Ecclesiastical Dimension," *Central European History* 7 (1974): 137-58.

24. There are many works that discuss the nature of the *Allgemeine Landrecht* and the relationship between royal power and the rule of law in Prussia. Useful insights are found in Holborn, *A History of Modern Germany*, pp. 270-75; Otto Hintze, "Preussens Entwicklung zum Rechtsstaat," in *Geist und Epochen der preussischen Geschichte: Gesammelte Abhandlungen*, vol. 3, ed. Fritz Hartung (Leipzig: Koehler & Amelang, 1943), pp. 105-71; Reinhart Koselleck, *Preussen zwischen Reform und Revolution: Allgemeines Landrecht, Verwaltung und Soziale Bewegung von 1791 bis 1848* (Stuttgart: Ernst Klett, 1967), pp. 23-31; Gerd Kleinheyer, *Staat und Bürger im Recht* (Bonn: Ludwig Röhscheid Verlag, 1959), pp. 143-50; and Klaus

and because the teachings of Carl Gottlieb Svarez postulated a monarch who would protect the welfare of the citizens of Prussia, the Quakers were permitted to exist somewhat tenuously within the state. However, because they refused to enter the army, and, it may be added, because military reforms carried out between 1806 and 1814 placed new emphasis on a popular, patriotic army in which all participated, it was clear that the Quakers could not perform the full duties of citizens of Prussia.²⁵ Accordingly they did not receive the highest rights of citizenship, that is, ownership of land, service in government, and in Peitsmeyer's case, conduct of business and association with the spirit of the nation. In other words, Frederick William's use of an extraordinary royal prerogative was in harmony with the principal features of legal and political doctrine in Prussia, and Peitsmeyer and the Quakers in general remained clearly defined as second-class members of the political and social community.

Epstein, *The Genesis of German Conservatism* (Princeton, N.J.: Princeton University Press, 1966), pp. 372-87.

25. The best analysis of the military reforms in Prussia is Peter Paret, *Yorck and the Era of Prussian Reform, 1807-1815* (Princeton, N.J.: Princeton University Press, 1966). One should also consult Craig, *The Politics of the Prussian Army*, pp. 37-81.